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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,074	07/07/2003	Ronald R. Bartman	1005 - U.S.	6371

7590  
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02/26/2007

EXAMINER

HORTON, YVONNE MICHELE

ART UNIT

PAPER NUMBER

3635

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/614,074	Applicant(s) BARTMAN ET AL.	
	Examiner Yvonne M. Horton	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 7, 9-16, 18 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) 15, 16 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 9-11, 18, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 12-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

The amendment filed 11/20/06 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: There is no support in the specification for the facing objects being in "abutting" relationship or for the wedging pressure.

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Withdrawn Allowable Subject Matter***

The indicated allowability of claims 5-14 is withdrawn in view of a more detailed review of the reference(s) to IESAKA et al. Rejections based on the newly cited reference(s) follow.

### ***Election/Restrictions***

Newly submitted claim 23 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claim 23 requires a wedging pressure; however, the original claims merely require the use of a torx screwdriver. As such, the torx screwdriver does not require the particulars of the wedge pressure.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for

prosecution on the merits. Accordingly, claim 23 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the facing objects being in "abutting" relationship must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: In claim 1, there is no support in the specification for the facing object being in "abutting" relationship. In claims 2 and 18, there is no support in the specification for the "non-standard tool means". As far as the "non-standard tool means", page 8 of the specification clearly details that the torx screwdriver is "off-the-shelf" and conventional. Until receipt of clarification, the claims have been addressed as there being a conventional torque screwdriver. Clarification and correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-2,3,6,7,21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 21 and 22 recite in two separate places of the claims that the fastening means is indistinguishable from the area surrounding the fastening means from a very short distance away, and that the fastening means is virtually vandal proof. This is repetitive and must be deleted. Clarification and correction is required.

In claim 2, it is not clear how there is a portion of the fastening means that is visible within a very short distance when claim 1 has already previously identified that

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the area surrounding the fastening means is "indistinguishable". Clarification and correction is required.

Claim 3 recites the limitation "the exterior surface of the visible object" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claims 6,7 and 21 recite the limitation "the visible surface" in lines 3; respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites the limitation "the exterior viewable surface" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Clarification and correction is required.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4,6,7,9-11,18,21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,638,618 to IESAKA et al. In reference to claims 1,21 and 22, IESAKA et al. discloses a system for securing a plurality of visible, abutting facing objects (2) of stone, column 2, lines 36-40, having a supporting structure (25), and fastening means (6,13,18). IESAKA et al. discloses the basic claimed system except for explicitly detailing that the fastening means is virtually vandal proof and is indistinguishable from a very short distance away. Although IESAKA et al. is silent in this regard, it would have been obvious to one having ordinary skill in the art that, first, the requirement of having to use a screwdriver to tighten and ultimately loosen the facing members makes

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dislodging thereof very conspicuous and hard to pull off without notice. As far as the fastening means being indistinguishable from a very short distance, this would also have been obvious and is governed by the ability of the viewer's sight, and would vary accordingly, as such. Regarding claim 2, the fastening means (6,13,18) is activatable by a screw driver, column 3, lines 44. In reference to claim 3, no portion of the fastening means extend beyond the exterior surface of the visible object (2). Regarding claim 4, the fastening means (6,13,18) secure the facing object (2) with a tight securement. In reference to claims 6,7 21 and 22, the facing object has an access hole (3) therein, extends part of the way into the body of the facing object (2), and is substantially the same size as the linear surface of the visible facing object (2). Regarding claims 9 and 22, the access hole (3) includes a larger access hole (4), the support structure (25) includes openings (26), the screw (6) includes a head (7) having alignment means (17) for actuation by a torx screwdriver (16). In reference to claims 11 and 18, IESAKA et al. is silent with regards to the size of his screwdriver (16); however, it would have been obvious to one having ordinary skill in the art to select a screwdriver size suitable for to fit within the selected head of the screw. The screwdriver size selection is well within the general skill of a worker in the art. Regarding claim 22, there is a tube (8,22) surrounding the screw (6).

***Allowable Subject Matter***

Claims 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

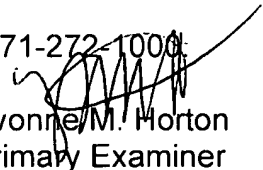
Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Yvonne M. Horton  
Primary Examiner  
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02/19/07